

REMARKS

In the Office Action dated April 24, 2008, pending claims 1-22 were finally rejected. Claims 1, 11 and 21 are independent claims; the remaining claims are dependent claims. In this Amendment, Applicants have cancelled claim 22, rewritten independent claims 1, 11 and 21 to incorporate the subject matter of cancelled dependent claim 22, and further amended the independent claims as suggested by the Examiner during the interview. After entry of this Amendment claims 1-21 will be pending.

Applicants are not conceding in this application the claims amended and cancelled herein are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicants specifically state no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. On June 10, 2008, Applicants' representative conducted a telephone interview with the Examiner in which the pending claims and the applied references were discussed. It was agreed that the amendments to the independent claims presented herein overcome the art of record as discussed below.

Claims 1-21 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ativanichayaphong (U.S. Patent Publication No. 2004/0236574). Claims 11 and 21-22

stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lenchick (U.S. Patent No. 5,552,806) in view of Admitted Prior Art. Applicants respectfully request reconsideration and withdrawal of the outstanding rejections in view of the foregoing amendments and the following remarks.

As best understood, Ativanichayaphong teaches a method of providing a computing device with separate audio and visual interfaces for handling speech input (*Ativanichayaphong*, Abstract) wherein the interfaces are selectively presented based upon user preference (paragraph 0007) and device identified visual or acoustic environmental characteristics (paragraphs 0010-0011).

This stands in stark contrast to the instantly claimed invention wherein the computing device is a distributed multi-modal system wherein the most appropriate mode of interaction with the system is configurable based upon contextual information, including the needs of a user, available resources, the actual physical location of the computing device, and the location of the computing device relative to other devices or resources. *Specification*, pp. 1, lines 4-6; pp. 4, lines 1-2; pp 7, lines 10-17; pp. 10, line 108; see also Claim 1. Furthermore, Ativanichayaphong is limited to only configuring speech input interactions with a computing device. Nowhere in Ativanichayaphong is it taught or suggested that accessing location specific information or differential treatment of device messages are configurable modes of interaction, as in the instantly claimed invention. See *Specification*, pp. 10, lines 10-17.

As an initial matter, the Remarks submitted with Applicants' previous amendments regarding Lenchik remain applicable and are therefore incorporated by

reference as if fully set forth herein. As best understood, Lenchik teaches a method and apparatus for selecting specific icons, all of which are normally available to the device, to display based upon a device's location, in order to facilitate use of numerous icons.

Lenchik, Abstract. Neither Lenchik nor Ativanichayaphong teach a distributed multi-modal computing system wherein resource configuration of a computing device allows for, *inter alia*, utilization of the resources of other devices within the system and utilization of factors other than location. See *Specification*, pp. 4, lines 1-2; see also Claim 1.

Nonetheless, solely in an effort to facilitate expeditious prosecution of the application, Applicants have amended independent claims 1, 11 and 21 to incorporate the subject matter of cancelled dependent claim 22. In addition, independent claims 1, 11 and 21 have been amended to further clarify the claims of the instant application against the applied prior art. Thus, independent claim 1 now recites, *inter alia*,

wherein said contextual information comprises: a date associated with the mobile device; and a time associated with the mobile device.

and

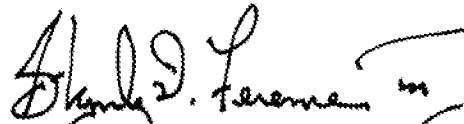
wherein the resource is configured to utilize a multi-modal interface to provide the most appropriate mode of interaction for a user of the mobile device within the system.

Independent claims 11 and 21 have been similarly rewritten. By this amendment, Applicants intend to clarify that the system is capable of utilizing contextual information other than location in order to inform the management of system resources. Furthermore, this amendment is intended to clarify that the system employs a multi-modal interface to facilitate the configuration of resources in the most appropriate mode of interaction.

Applicants respectfully submit that neither Lenchik nor Ativanichayaphong teaches the subject matter of claims 1, 11 and 21, as amended. Moreover the newly amended claims make it clear that the references do not teach all of the claim limitations. As noted above, it was agreed during the June 10, 2008 Examiner interview that the amendments to the independent claims presented herein appear to overcome the art of record. Applicants respectfully request reconsideration and withdrawal of these rejections.

In summary, Applicants respectfully submit that the foregoing amendments clearly distinguish the instantly claimed invention from both Lenchik and Ativanichayaphong. Therefore, Applicants respectfully request reconsideration of the rejections using these references. If the claims as presented herein are not immediately allowable, the Examiner is requested to contact the undersigned at the telephone number listed below before the issuance of a further action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", is written over a horizontal line.

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